

Information Disclosure Statement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 25, 2009

Electronic Signature for George A. Xixis: /George A. Xixis/

Docket No.: 022956-0235

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Alexander M. Harmon et al.

Application No.: 10/729,046

Confirmation No.: 9312

Filed: December 5, 2003

Art Unit: 3774

For: **VIABLE TISSUE REPAIR IMPLANTS AND
METHODS OF USE**

Examiner: A. J. Stewart

INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants also bring to the attention of the Examiner the following related applications, the prosecution of which may be relevant to the pending application:

- Appl. No. 10/775,034 of Kladakis et al. (see Office Actions dated November 30, 2006, April 30, 2007, May 7, 2007, May 2, 2008, and December 11, 2008)
- Appl. No. 10/729,046 of Harmon et al. (see Office Actions dated June 17, 2005, December 19, 2005, March 7, 2006, May 15, 2006, November 8, 2006, February 23, 2007, May 24, 2007, March 27, 2008, August 18, 2008, October 2, 2008, and March 25, 2009)
- Appl. No. 10/723,982 of Binette et al. (see Office Actions dated July 27, 2006, January 4, 2007, April 18, 2007, and May 16, 2007)

- Appl. No. 10/374,754 of Binette et al. (see Office Actions dated March 24, 2006, September 1, 2006, February 26, 2007, May 15, 2007, September 1, 2007, March 18, 2008, September 16, 2008, and December 4, 2008)
- Appl. No. 10/374,772 of Gosiewska et al. (see Office Actions dated April 19, 2006, September 14, 2006, May 16, 2007, December 3, 2007, Feruary 29, 2008, September 2, 2008, February 27, 2009, and June 8, 2009)
- Appl. No. 10/828,838 of Dhanaraj et al. (see Office Actions dated May 4, 2007, December 31, 2007, March 19, 2008, June 24, 2008, October 16, 2008, and March 12, 2009)
- Appl. No. 11/427,477 of Dhanaraj et al. (see Office Actions dated August 8, 2008, January 15, 2009, and March 24, 2009)
- Appl. No. 10/610,362 of Malaviya et al. (see Office Actions dated August 9, 2005, February 3, 2006, April 14, 2006, July 31, 2006, February 5, 2007, April 12, 2007, August 8, 2007, January 28, 2008, July 11, 2008, October 10, 2008, April 28, 2009, and July 13, 2009)
- Appl. No. 09/747,488 of Bowman et al. (see Office Actions dated October 22, 2002, March 12, 2003, July 28, 2003, and February 12, 2004)
- Appl. No. 10/022,182 of Melican et al. (see Office Actions dated November 17, 2003, May 5, 2004, November 26, 2004, and June 16, 2005)
- Appl. No. 10/320,751 of Binette et al. (see Office Action dated May 3, 2004)
- Appl. No. 11/280,189 of Bowman et al.
- Appl. No. 10/638,562 of Binette et al. (see Office Actions dated December 9, 2005, August 23, 2006, November 9, 2006, January 11, 2007, July 9, 2007, September 26, 2007, January 11, 2008, October 9, 2008, January 28, 2009, and June 19, 2009)

This Information Disclosure Statement, pursuant to 37 CFR 1.114(c), accompanies the Request for Continued Examination (37 CFR 1.114) submitted herewith.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 022956-0235.

Dated: August 25, 2009

Respectfully submitted,

Electronic signature: /George A. Xixis/
George A. Xixis
Registration No.: 38,664
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2746
(617) 310-9746 (Fax)
Attorney for Applicant